



**Brian Robison**

*Partner*

972-707-1809

brian@brownfoxlaw.com

May 10, 2022

The Honorable Hildy Bowbeer  
Magistrate Judge, District of Minnesota  
United States District Court  
316 N. Robert Street  
St. Paul, MN 55101

Re: Defendants' Date to Answer or Otherwise Respond to the DAPs' Amended Complaints; *In re Pork Antitrust Litig.*, 0:18-cv-01776-JRT-HB

Dear Judge Bowbeer:

At the conclusion of yesterday's hearing on the class plaintiffs' motion to compel against Indiana Packers Corporation, I noted that the Defendants had filed a letter last Friday evening about the date to answer or otherwise respond to the DAPs' amended complaints that were filed on April 29 and 30. At the time of the hearing, several DAPs had agreed that they would not insist on the Defendants answering or moving to dismiss the amended complaints before the Court rules on the open case-management issues in exchange for the Defendants serving a list of affirmative defenses asserted in each DAP case by May 27. Your Honor asked when we expected to hear from the other DAPs, and I said I would check again as soon as the hearing ended. I now write to follow-up with a more thorough answer to that question.

After the hearing, I asked for an update on the remaining DAPs' position. I was told that all DAPs except two, Sysco and Amory Investments, had agreed to the above-

May 10, 2022

Page 2

---

referenced arrangement. I then had a conversation with Scott Gant, counsel for Sysco and Amory Investments. Mr. Gant advised that he would not join the other DAPs in not requiring that the Defendants respond to the amended complaints while the Court considers the open case-management issues. At his request, I have attached an email from him that further explains his clients' position.

The Defendants continue to believe that their obligation to answer or otherwise respond to the DAPs' 20 amended complaints is stayed pending further order of the Court on the case-management issues the parties have briefed and argued. All DAPs except two have agreed to this approach in exchange for the Defendants agreeing to give each DAP a list of affirmative defenses asserted in each DAP case no later than May 27, 2022.

The Defendants await further guidance from the Court as to how it wants to address answers and motions to dismiss against the DAPs' 20 amended complaints while the Court considers the open case-management issues.

Respectfully submitted,



**Brian Robison**

May 10, 2022

Page 3

---